

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: May 17, 2006

Opposition No. 91169549

Disney Enterprises, Inc

v.

ZoneChefs, L.L.C.

Peter Cataldo, Administrative Trademark Judge:

The parties' stipulation (filed on March 23, 2006) to amend applicant's subject application Serial No. 78541146, as well as opposer's conditional withdrawal of the instant opposition, is noted. The proposed amendment, to the identification of goods in International Classes 29 and 30, appears to be limiting in nature and thus acceptable. See Trademark Rules 2.71-2.75. See also TBMP §514.01 (2d ed. rev. 2004) and the authorities cited therein. However, the proposed amendment cannot be considered at this time because applicant has not obtained the consent of opposer in related Opposition No. 91168573, involving applicant's involved application Serial No. 78541146 and a third party.

Accordingly, the Board hereby defers consideration of the proposed amendment to allow applicant to obtain the consent thereto of opposer in Opposition No. 91168573.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Applicant is allowed THIRTY DAYS from resumption in which to answer the notice of opposition. The parties are allowed the same THIRTY DAYS in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	November 5, 2006
Discovery period to close:	February 3, 2007
Thirty-day testimony period for party in position of plaintiff to close:	May 4, 2007
Thirty-day testimony period for party in position of defendant to close:	July 3, 2007
Fifteen-day rebuttal testimony period to close:	August 17, 2007

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.